

National Finals held at the Lincoln Theater in Washington. As she prepares for this exciting event, I would like to recognize her tremendous accomplishment and wish her best wishes for continued success.

In conclusion, God bless the memory of Congressman Sonny Montgomery, God bless our troops, and we will never forget September 11.

BLACK CLOTH OF SACRIFICE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, today I would like to remember the 155 men and women ripped from the ranks, gunned down, stabbed, ambushed, killed. Not soldiers in Iraq or Afghanistan, but American peace officers fighting an insurgency on American streets.

We honor those who died and those who survive them. They drape their badges in the black cloth of sacrifice to respect their fellow warriors. They lay their friends to rest, but they still risk their own lives to protect and serve.

One of the 13 Texas officers murdered last year, Officer Hank Nava, Jr., of Fort Worth, was savagely gunned down by an outlaw on parole who shot Officer Nava in the face.

Just days ago, Detective Vicky Armel of Fairfax County, Virginia, was ambushed by a street punk firing more than 70 rounds from an attack rifle.

We do not know the agony of these officers, but we know their indifference to danger. This Police Week we honor the honorable. We give our gratitude to police officers nationwide for their courage. We say thank you to those who turn toward turmoil so that we may turn toward safety.

And that's just the way it is.

NATIONAL GUARD IS A GOOD FIRST STEP

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, last night the President spoke to the American people about his plan for establishing a secure border and a sound immigration policy.

The highlight of President Bush's plans is to send up to 6,000 National Guard troops to assist Border Patrol agents, and I applaud the President for taking steps necessary to try and secure the borders. For far too long this Nation has had a policy of benign neglect, one that has left our system of immigration fundamentally broken. National Guard troops are an excellent short-term solution. However, this action must not be part of a real effort to enforce our laws and must not be coupled with a thinly veiled attempt to grant amnesty. The American people want assurances that our sovereignty and security are being respected.

America is a nation of immigrants. It is built upon the dreams and sacrifices

of those who came to share in our common goals of liberty, fairness and adherence to law. It is in celebration of these principles and in honor of those who came before us that we should act in respect for law and in respect for liberty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 586) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

The Clerk read as follows:

H.R. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right-to-Ride Livestock on Federal Lands Act of 2005".

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91-383 (16 U.S.C. 1a-7) is amended by adding at the end the following new subsection:

"(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

"(1) GENERAL RULE.—The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

"(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

"(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

"(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit."

(b) BUREAU OF LAND MANAGEMENT LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

"(e) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

"(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

"(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

"(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

"(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area."

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

"(5)(A) The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) Nothing in subparagraph (A) shall be construed—

"(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

"(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

"(iii) to create a preference for one recreational use for any unit of the System,

without consideration of the stated purpose of the unit.”.

(d) NATIONAL FOREST SYSTEM LANDS.—Section 15 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1613) is amended—

(1) by inserting “(a)” before “Regulations”; and

(2) by adding at the end the following new subsection:

“(b) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any unit of the National Forest System, without consideration of the stated purpose of the unit.”.

(e) ISSUANCE OF RULES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on Federal lands for purposes of the amendments made by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I am the author of H.R. 586, which is identical to the legislation that passed the House of Representatives in the 108th Congress. This bill would preserve the use and access of pack and saddle stock animals on our public lands where there is a historic traditional use.

Perhaps no other activity is more synonymous with the exploration of our vast open lands than that of the use of pack and saddle stock. Who could forget those images of President Teddy Roosevelt and John Muir on horseback at what was to become the Grand Canyon and Yosemite National Parks?

While some may claim that this bill singles out pack and saddle use and affords it greater consideration than other forms of recreation or commercial use, I would argue that the pack and saddle use has played a fair and greater historic role on our public lands, particularly in our western States than simply recreation. What may be perceived by some today as recreation was once a vital part of everyday living throughout our Nation's history.

In addition, this bill in no way diminishes the Secretary of the Interior's ability to implement emergency closures or permanent reductions in the use and access of these pack and stock animals after complying with the full public review process required under the National Environmental Policy Act.

H.R. 586 codifies our commitment to access and to preserving one of the most fundamental and truly historic ways to experience our public lands. I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Madam Speaker, H.R. 586 has a checkered history. While there has been no action by the Resources Committee on the legislation in this Congress, questions and concerns were raised about identical legislation in the last session of Congress. In fact, the Bush administration has gone on record saying the legislation was both unnecessary and unwise.

Numerous recreational uses occur on our public lands, including hunting, fishing, hiking, camping. Singling out the recreational use of pack and saddle animals for special treatment creates the potential for conflict with these other recreational uses and complicates resource management of the public lands. At the very least, I think the Resources Committee should take time out of our schedule this session to explore the ramifications of what is being requested here. This will be the only recreational use codified in law.

With this noted, however, I will not object to the further consideration of this measure at this time. I appreciate my good friend and gentleman from California's interest in the subject. In fact, our office has received some e-mails and letters on this very subject ourselves.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I would like to introduce into the

RECORD a letter from Chairman GOODLATTE of Virginia. The Committee on Agriculture also received jurisdiction on this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 15, 2006.

Hon. RICHARD POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for notifying the Committee on Agriculture with regards to your intention to move H.R. 586, a bill entitled as the “Right-to Ride Livestock on Federal Lands Act of 2005”, under suspension of the rules.

As you are aware, the Committee on Agriculture received an additional referral of this legislation on those provisions of H.R. 586 that fall within this Committee's jurisdiction. However, after conferring with Chairman GUTKNECHT of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I will be glad to waive further consideration of this measure so as to allow its timely consideration by the entire House of Representatives.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event a conference with the Senate is requested in this matter, I would ask you to support the Committee on Agriculture's request to be represented.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. RAHALL. Madam Speaker, as the Ranking Democratic Member of the Resources Committee I would first observe that we on this side of the aisle also cherish the proud American tradition of horsemanship.

Whether it be thoroughbreds—and a potential Triple Crown winner this year possibly in the making judging from Barbaro's smashing performance in the Kentucky Derby—Appaloosas, Arabians, Clydesdales, our wild Mustangs on the Western Plains, Palominos, and even the Chincoteague Pony made famous by the book “Misty,” our country's history and indeed, still in the present, is deeply intertwined with the horse.

With that noted, while we will not object to the consideration of H.R. 586 today, there are certain problems with the legislation. In effect, the bill hampers the ability of local federal land managers to administer trails under their jurisdiction in a flexible fashion taking into account changed local circumstances. In effect, the pending bill says that trails historically open to pack and saddle stock horses shall always remain open to them within units of our National Park System, National Forest System, Wildlife Refuges and BLM lands. This not only ties the hands of the local land managers to make adjustments if warranted, but appears to be a nationwide rubber stamp approach to what has not been a national problem with respect to public trail usage.

I would observe there is one out, one means to make a change in the horse first rule this legislation advances, and that would be to go through a full-scale review under the National Environmental Policy Act. Here, I applaud those of my colleagues who are promoting this legislation because many of these have consistently voted in the Resources Committee to overturn, override, and exempt the application of NEPA to other matters.

I am also concerned about the precedent we are setting here. It is my understanding that the American Horse Council fully backs the pending bill. A noble organization, which does good service for the equine community. Yet, what if the American Motorcyclist Association catches wind of this bill. Can we expect a counter proposal from them, to make trails open to off-road motorcycles also deemed to be the highest and best use of public trails. I would expect their members would not want to be viewed as second class citizens when it comes to trail use. And the hikers, the bikers, the ATV groups. The list goes on.

With that Madam Speaker, I have some trepidation over the course this legislation sets, and this comes from a gentleman who is a strong defender of our horse tradition in this country.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 586.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALLOWING ASSINIBOINE AND SIOUX TRIBES OF FORT PECK INDIAN RESERVATION TO ENTER INTO A LEASE OR OTHER TEMPORARY CONVEYANCE OF WATER RIGHTS

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2978) to allow the Assiniboin and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated, and for other purposes.

The Clerk read as follows:

H.R. 2978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboin and Sioux Tribes of the Fort Peck Indian Reservation (referred to in this section as the “Tribes”) may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85-20-201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106-382; 114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years;

(2) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(3) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

H.R. 2978, introduced by our colleague DENNIS REHBERG of Montana, allows two Fort Peck Indian Reservation Tribes to lease water to nearby non-Indian communities.

In northeastern Montana, water supplies are very scarce. For this reason Congress authorized a rural water supply protection for the Fort Peck Indian Reservation and some of its neighbors a few years ago. As the project is now under construction, water users realize that the underlying law needs to be clarified in order to ensure a water transfer. This bill makes this common-sense clarification on the Federal level. The State Water Commission has already approved the conveyance, and I urge my colleagues to support this noncontroversial bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Madam Speaker, simply put, H.R. 2978 brings much-needed clean drinking water to over 31,000 residents of northeastern Montana. It does so by bringing together the plans of these tribes and the Dry Prairie Rural Water Association to convey water from an area of surplus to an area of need, with no compensation being asked and with full recognition and protection of the tribes' water rights.

Too often in this body, we are witness to conflicts over resources, and this is especially true for the limited precious water supply that we have. This bill is a welcomed departure from all of that.

Madam Speaker, we strongly support the adoption of H.R. 2978.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2978.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The Clerk read as follows:

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) OTHERWISE PROTECTED AREA.—The term “otherwise protected area” has the meaning given the term in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591).

(2) PILOT PROJECT.—The term “pilot project” means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106-514).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) SYSTEM UNIT.—The term “System unit” has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

SEC. 3. DIGITAL MAPPING PILOT PROJECT FINALIZATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

(b) CONSULTATION.—The Secretary shall prepare the report required under subsection (a)—

(1) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

(c) CONTENTS.—The report required under subsection (a) shall contain—

(1) the final recommended digital maps created under the pilot project;

(2) recommendations for the adoption of the digital maps by Congress;

(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;